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 Dorothy Tovar and Adrenaline Sports, Inc.

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

R & R PARTNERS, a Nevada Corporation,
 and the LAS VEGAS CONVENTION AND
 VISITORS AUTHORITY,

 Plaintiffs,

 v.

 DOROTHY TOVAR, an individual, and
 ADRENALINE SPORTS, INC.,

 Defendants,

 AND RELATED COUNTERCLAIMS

Case No. CV-N-04-0145-LRH(PAL)

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF DEFENDANTS' REPLY TO
 MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendants and Counterclaimants DOROTHY TOVAR and ADRENALINE SPORTS, INC. (collectively "Tovar") hereby request that the Court take judicial notice of the documents described below. This Request is made in conjunction with Tovar's Reply to Defendant's Motion for Summary Judgment. In that Motion, Tovar cites to documents from publicly-available sources that are proper subjects of judicial notice. True and correct copies of these documents are attached to the accompanying Declaration of Daniel

N. Ballard In Support of Defendants' Motion for Summary Judgment ("Third Ballard Declaration") filed herewith.

A request for judicial notice is governed by Federal Rules of Evidence 201. Under Rule 201(d), the Court may take judicial notice of a matter if a party requests it and supplies the Court with sufficient information. Fed. R. Evid. 201(d). Matters that are a proper subject for judicial notice are defined in Rule 201(b), which permit the Court to judicially notice facts that are not subject to reasonable dispute in that they (1) are generally known within the territorial jurisdiction of the trial court or (2) are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *Id.*

The documents and information Tovar seeks judicial notice of are not subject to reasonable dispute and can be determined by resort to accurate sources, as shown below, and are thus a proper subject of judicial notice.

I. WEBSITES

A district court may take judicial notice of a thing in the common knowledge and use of the people throughout the country. *Brown v. Piper*, 91 U.S. 37 (1875).

Therefore, Tovar requests that the Court take judicial notice of the following documents, true and correct copies of which are attached to the accompanying Third Declaration by Daniel N. Ballard:

1. **Exhibit 1**, a true and correct copy of a printout of the National Trust for Historic Preservation's 50th Anniversary Remarks by First Lady Hillary Rodham Clinton, held on October 21, 1999, at the National Building Museum in Washington, D.C., available at http://clinton4nara.gov/WH/WOP/First_Lady/html/generalspeeches/1999/1999102.html.

2. **Exhibit 2**, a true and correct copy of a printout of an article featured in Volume 98, Issue 6 of The Peak, (Simon Fraser University's Student Newspaper located in Burnaby, British Columbia) entitled "Goldfinger gives punk the Midas touch," dated February 16, 1998, and available at www.peak.sfu.ca/the-peak/98-1/issue6/goldfinger.html.

3. **Exhibit 3**, a true and correct copy of a printout of an article entitled "Motley Crue: The Dirt - Review By Todd Kerns," dated August 17, 2001 and available at

1 www.chartattack.com/DAMN/2001/08/1705.cfm.

2 4. **Exhibit 4**, a true and correct copy of a printout of Theta Chi of Penn State, Inc.'s
3 Alumni Corner website featuring Shane Balcik, a 1991 Theta Chi Alumni, available at
4 www.thetachiomega.com/alumnicorner/sbalcik.html.

5 5. **Exhibit 5**, a true and correct copy of a book review featured in the Los Angeles
6 Times, of "Wanderlust: Erogenous Zones An Anthology of Sex Abroad: Edited and With An
7 Introduction By Lucretia Stewart," dated June 25, 2000, available through a Lexis-Nexis, US
8 Newspapers and Wires database search.

9 6. **Exhibit 6**, a true and correct copy of a printout of an article featured in the St.
10 Petersburg Times on October 21, 2001, entitled "Yankees Employee Queried in Sex Case," available
11 through a Lexis-Nexis, US Newspapers and Wires database search.

12 7. **Exhibit 7**, a true and correct copy of a printout of Will Rosellini's Journal dated
13 October 1, 2000, featured on the BaseballAmerica website, available at
14 www.baseballamerica.com/today/features/journals/rosellini1001.html.

15 8. **Exhibit 8**, a true and correct copy of a printout of an article featured in The San
16 Francisco Chronicle, entitled "The No-Blush Exploits Of a War Photographer," dated March 14,
17 2001 by Kim Komenich, available through a Lexis-Nexis, US Newspapers and Wires database
18 search.

19 9. **Exhibit 9**, a true and correct copy of a printout of an article featured in the Los
20 Angeles Times, Ventura County Edition, entitled "For the Kids; Healing Help; Youngsters Praised
21 As They Gain Insight and a Head Start on Medical Careers in their Work as Junior Volunteers at a
22 Number of Hospitals," dated August 27, 1992 by Jane Husle, available through a Lexis-Nexis, US
23 Newspapers and Wires database search.

24 10. **Exhibit 10**, a true and correct copy of a printout of an article featured in The Post-
25 Standard (Syracuse, NY), entitled "A Letter Carrier Gives Up North Side Beat" by Dick Case, dated
26 June 18, 1993, available through a Lexis-Nexis, US Newspapers and Wires database search.

27 11. **Exhibit 11**, a true and correct copy of a printout of an article featured in The Herald
28 (Rock Hills, SC) entitled "Broncos Find Use for Ex-Panthers," dated September 9, 2001, by Darin

1 Gantt, available through a Lexis-Nexis, US Newspapers and Wires database search.

2 DATED: March 21, 2006

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5
6 By: /s/ Daniel N. Ballard
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8 Dorothy Tovar and Adrenaline Sports, Inc.